

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAUL GULLO

Plaintiff,

13-CV-6331

v.

**ORDER**

BERNARDUS C. BURNS, CONTRANS GROUP, INC.,  
CONTRANS FLATBED<sup>1</sup>, AND LAIDLAW CARRIERS  
FLATBED

Defendants,

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On July 1, 2013, Defendants filed a notice of removal seeking to remove this pending personal injury action to U.S. District Court from New York State Supreme Court, Monroe County, pursuant to 28 U.S.C. § 1441(b)(1), based upon diversity of citizenship. (Docket No. 1.). In an Order dated July 3, 2013, this Court remanded this case to New York State Supreme Court, Monroe County, having found that Defendants failed to satisfy the amount in controversy requirement of 28 U.S.C. § 1332. (Docket No. 3.) Defendants have filed a second notice of removal which establishes that the amount in controversy is greater than \$75,000. (Docket No. 4.) Accordingly, the Court finds that it now has subject matter jurisdiction over this case, and the Clerk of the Court is directed to reopen this case.

**SO ORDERED.**

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<sup>1</sup>In their removal papers Defendants assert that Contrans Flatbed Group GP, Inc., is the proper defendant, that Contrans Flatbed was incorrectly named and Laidlaw Carriers Flatbed, GP Inc. (incorrectly named as Laidlaw Carriers Flatbed) changed its name to Contrans Flatbed Group GP, Inc. immediately prior to the accident that is the subject of this lawsuit.

S/ MICHAEL A. TELESCA  
HON. MICHAEL A. TELESCA  
United States District Judge

Dated: Rochester, New York  
August 13, 2013